عميان محمد سليم سعد الدين

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1410
                      23 -17
14
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المطلب الأول لمحة عن أنواع العقود بشكل عام وعن عقد البيع بوجه خاص

2. 3. 4. 5. 6 1 385 /1 .89 .294/2 382/1 262 .81/4 .(1 .(34) 5) 6

```
1.
                       2.
                                                                   3:
                   6/2
                                                   504/4
632/1
                                            .242 -241/4
                       6/2
)
                                                         134 /5
                                           .( 636 /1 )
                                                                      ( 235 -234/4
                                          .9-8
```

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2.42	:	.34	2.12				1
2/2			2/3	,	275	502/4	
				.2/4			2
			.134/5		45	55/5	: 3

				:	- 3	}
1 :			:	•	_	1
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.76/2	7/2		135-134/5	.275	:	1 2 3
				.282 . 29 .198	:	4

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                                     5."
                                                        10/2
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                   .3/3
                                         .[ 263/5
                                .[ 2837
                                           443/2
                                                                                  2
               (2185)
                           29/3
                                                           224/7
                                              (4946)
                    (1283
                                125/5)
                                                                  437/3
                      (14264)
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                                             (17054)
                                                         .455/5
                                                            .560/3
                                                              3/3
        .346-345 / 4
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п

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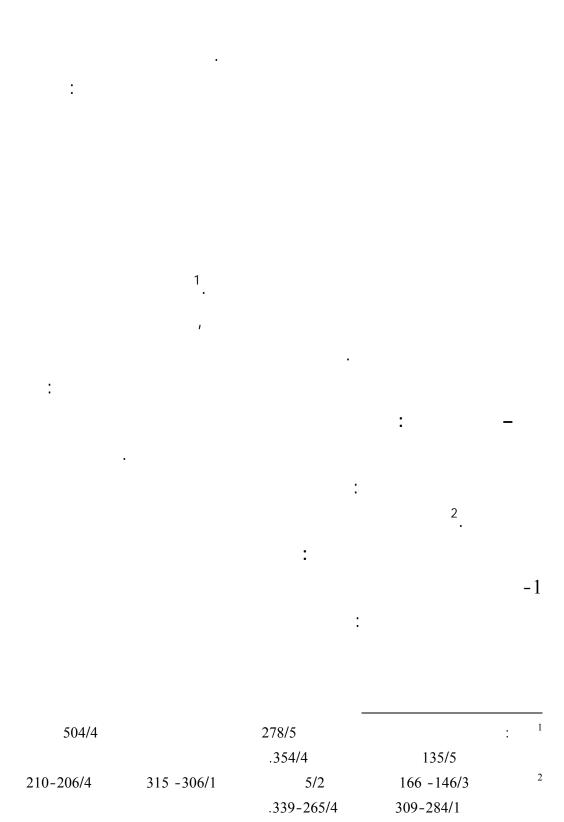
1 " ·

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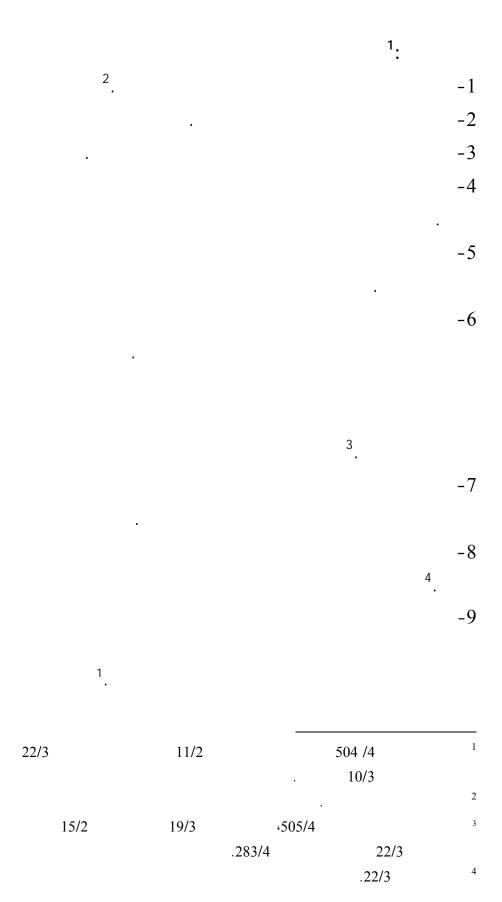
2.

3/2 2/3 .275



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     278/5
                                           135/5
                                                .505-504/4
                                                 135/5
                                                                   2
         17/3
                                  7/2
.7-6/5
                                                              151/3
                                              .267/4
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                                               67 -66 /2
      7/2
                       18/3
                                       .149/3
                                                              265/4
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                                     .504/4
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	.13/	4	.9/2	8/2	2
	.137		.20/3		3
	.283			8/2	4
				.5/2	5
	505/4		138-136/5	5	6
.275			5/2	4/3	





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50/3	282		1
14/2	25-19/3	505/4	. 2
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19-18/2	10/3	505/4	3
		.10/3	
		. 156/5	4

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	⁴ :		
.168/5		505/4	1
		. 180/5	2
.148/5		505/4	3

.228/5

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.74/3 19-18/2 1 .233/5 2 .399/4 3 .265 506/4 4 1: : . -3 -2 -

. -3 -2 -1 : -

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2

.56

الفصل الأول مفهوم بيع التقسيط ومشروعيته وفيه مبحثان:

المبحث الأول: تعريف بيع التقسيط وصورته.

المبحث الثاني: مشروعية بيع التقسيط.

```
1
                                                                           -1
                 2.
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                                             5.
                                                                     .[ 29
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                              2
                                                                             2
             .503
                                                                             3
                                              159/11
     295-393
.173/1
                                         195
                                                          2
                                                                             5
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.8 15:..²
...252 ...³
...291 /4

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1.
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                    .88-86/3
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.157

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             1515
                                     1412
                                                                          150/2
                                                                2150
                                                  .9/6
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                                                                                    3
                                                     .3 /4
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2. :

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.105/1

2/3 2
.270/3
.361 /3 3
.560/3 4
.275

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					.60/14 .60/14			3
				.127/1				4

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1.
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```

178/5

2

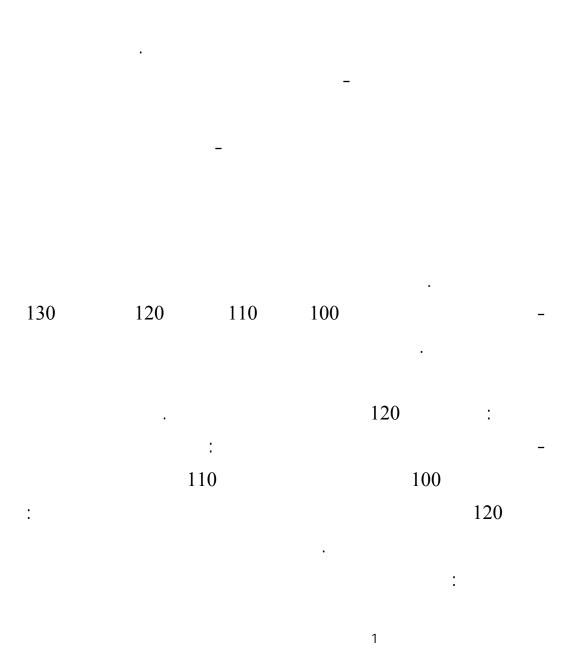
3

.133 -132/4

.116/14

.127/1

-4



.531 -530/3

.15/9

44/4

8/13

487-486/4

328/9

232/11

73/5

332/9

294/4

239/5

9 /5

1.

487/4 .531 -530/3 332/9

: 245 1_{."}

2

3.

4.

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.339/9 227/1
.532/4 3
.531/4 4
.136/14 5

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5.			:	-
			.275	:

.242/1

.29 .282

45

.469/1

```
:
       <sup>2</sup>.(
3.
   2068
              119/2
                            鑑
               1603
                         117/6
                                181/2
                                                                                  2
                    2241
                                    .1604
                                               119-118/6
                                 .300/3
                                                                                  3
             .1504
                        463/5
                                                                   2561
                                                                             311/2
```

```
1 ."
                                        2
                                                                  )
                  ):
                            3.
                              :(
501/2
                                                                           1
                                                                       1213
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339/7
.339/7
      .4642
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```

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.3
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                       5 ."
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       (
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                                            .20509
                                                      188/7
                                                                             2
                                            .20510
                                                      188/7
                                                                              3
                                            .20512
                                                      189/7
                                            .20503
                                                      187/7
                    .149/9
                                                                             5
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                          .845
                                3 784
```

.12/4 1

.59/5

```
1.
,2
           3.
                                                      44/4
           73/5
                                 8/13
                                         232/11
                                                         328/9
                             .15/9
                                                                       294/4
                                       332/9
                                                                       239/5
                                                                 .531 -530/3
                                                           .467/1
                                                       8/13
                                 44/4
```

.293

```
-1
                                1
                    2.
                                               ) .
                                                                         .(
                                                    3.
58/3
                                                           44/4
                                     8/13
   .15/9
                                                                 73/5
                311/4
                                              294/4
                                328/9
                                                                    .( 275 :
                                                                               ) 2
```

.242/1

.93

469/1

218/5

```
1
  .[ 275
                             2.
                                               [ 275
                                                             3.
[ 275
                                       [ 279
                                                            ].
                                        .241/1
                                                                       2
                   .213
                                              268/3
```

.268/3

```
1.
2.
                                      3.
```

.114 269-268/3 294 ¹ .(29:)² .294 ³

```
1.
                                  2.
         .[282
                           ].
          .( )
                                                             -2
            ***
                                        3.
                                        268/3
     .223-222
                                                               2
                       .178
                                                  294
                                                                3
                 紫
117/6
2068
        119/2
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                                  ):
                                                             <sup>2</sup>.(
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                                    .252-251
                                                                                   2
                                             20716
                                                         (224/7)
/8)
                                      (476 / 3)
                                                                     14629
                                                                               (138
                                                              3461
                                                                   (226 / 7) ..
     272
                                                         4953
          10661
                     (343 / 5)
                                                                               1110
                                                 .(45/ 2)
                         487-486/4
                                                         332/9
                                                                         531 -530/3
```

)

9550

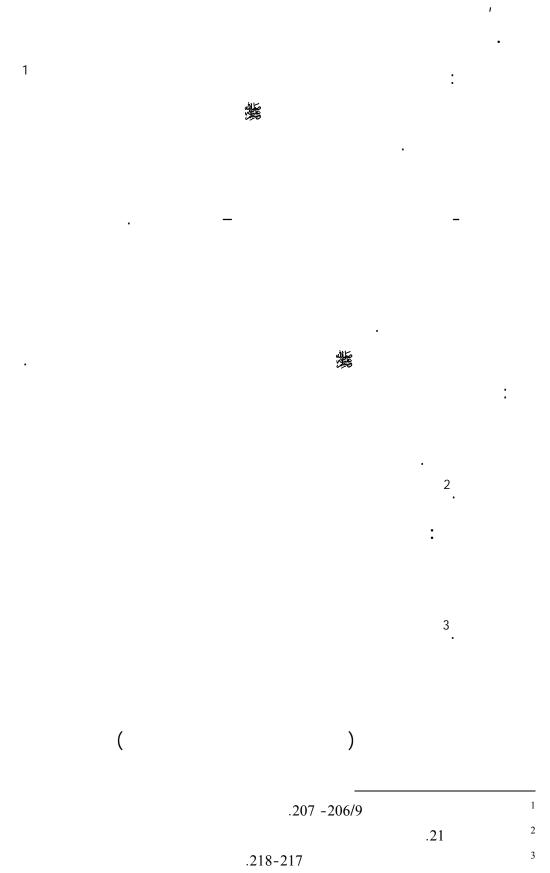
252/9 (

)

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1
                                                                2
                           3
                                              (6628
                                                        190/6
                                                            1231
                                                                     (357 / 3)
4646
         (340 / 7)
                                                              460
                                                                     1358
                                                              4952
                                                                       225/7
     (343 / 5)
                                                            (272 ) 1109
(142/8)2111
                                                                       10660
                               .486/4
                                   .1231
                                             18
       58/3
                                        44/4
                                                         8/13
     15/9
                  232/11
                                   328/9
                                                                  73/5
                                                 294/4
     9 /5
                             332/9
                                                            487-486/4
                                  .531 -530/3
```

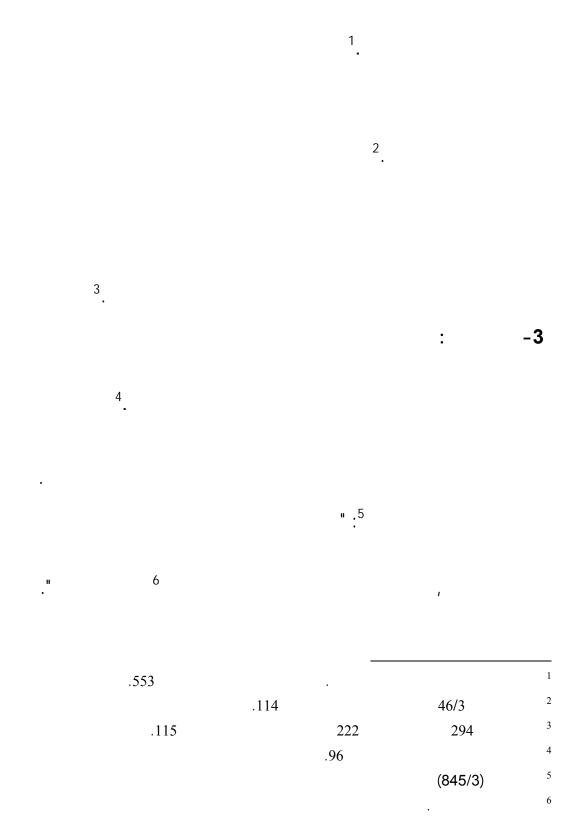
.15

```
):
          2
                               .20
                                                                          2
        7025
                  6593
                                   165/6
                                    3357
                                            423/3
57-56/2
                                70/3
                       263
                                                           47/4
                                                                 288 -287/5
                         1358
                                  205/5
                                                            14144
                                                                       22/8
    481/2
                                                                      .2074
```



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							3.			
							4 .		-	•
										1
518/2					8	30/15	3	3356	422/3 1237	
	2270 5006	70/3 242/7					_	4634		7/7
447/3						:			1113	
.11996	354/11			267	71/3 14133	20/8	288/5 3	;		
							.2	.21	481/2	2
1347					.217					3
14142	22/8		22/6.			:			452	
				220	63	1557 607/3	9 2	56/6		

										1		
2 <u>"</u>	u		3."			:			":			
4u	:			" -		**		-			-	
1348									•			1
	22/6	:	108								52	
	.22/6			:						177	/2	2
	177/2 14141 .607/3		22/8			:	108					2
	.178/2					:	108					3
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	_	:	54/2						28/6)		
	_		_		:	19	3	46/3	_			
130/4												



:				":		
	1 "		:	:		:
	'."	":				
					2."	
	:					

.447/1

.106-105/4

1

```
2
                                               ***
3.(
                                                               ) 1
                             .(15028
                                       236
                                              8
                                                                 2
                                    .312 / 4
                                                                 3
                      181/2
            2241
                       .1604
                                 119-118/6
```

```
1.
                                                                 2.
                                                                                           -1
                     ):
                                                              <sup>3</sup>(
***
      ):
                          5.
                                                                                           -2
                                                                                           -3
                             ( 1396) 3
              .19
                     13
                                                                                              2
                                                             .186
                                                                                             3
                                                                         .52
                                                                          .43
.17
                                                                                              4
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1_.

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.18 ¹ .147 -148 ²

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	:			
			•	
1				.554

.(146-145 /29)

2

.554

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		2.				

.175

.100-99

1 .") 2. 3.

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.47 . .47 .

1 2 3



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1 ."
                         3."
                            5<sub>."</sub>
6."
                    7
        1
                                                                            .187/5 ^{1} المو افقات للشاطبي ^{2} .6/13 ^{3}
                                                                                .78/2
                                                                                                        4
                                                                           .499/29
                                                                            .526/3
                                                                                                        7
                                531 -530/3
                                                                                                   15/9
                                                                   427-422 /5
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[ 275
                                                         2.
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                               3.
                                                              -2
                                          4.
           5."
                                                                      ) 1
                                                           .(275 :
                                             268/3
                            .294
                .103
                                             269/3
                                                                        3
        .244-243
                                                                        4
```

.53-52

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3.

.147 . 268/3 ¹ .241/1

.244-243

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-6
                            .1
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                           2.
                           3."
      1,,
                                                                                     ) <sup>1</sup>
                                                                           .(29:
                                                          .268/3
                                                                                       3
                                                            3382
                                                                       437/3
                              :( 2877 )
.2106
            496/2
                  10/2 (
         .937
                                     )
```

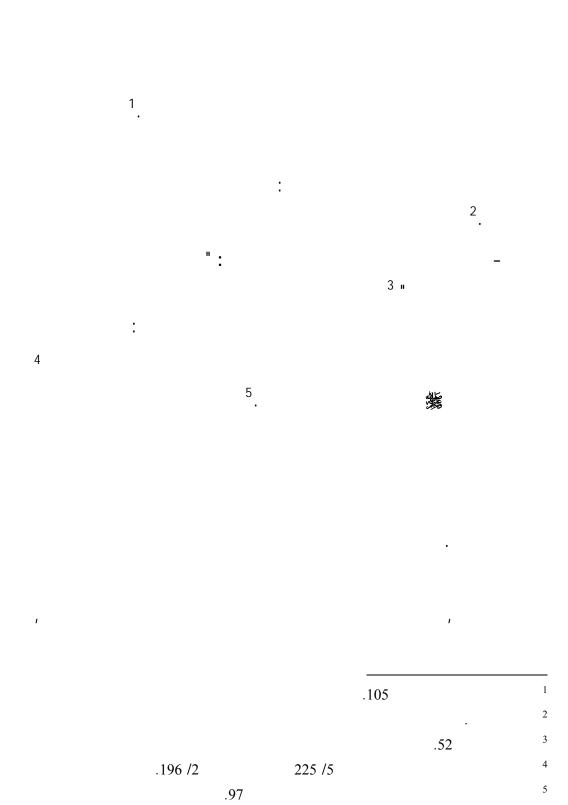
```
2
3.
                                       1
2185
                                  .18
                                      ) 2
                            .(29 :
```

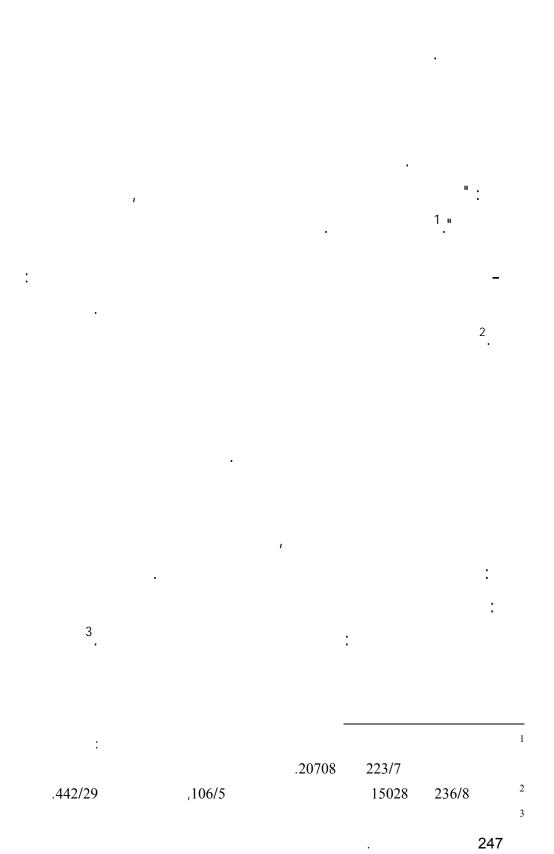
.104

```
1.
                                             ***
                                                          2
                          3.
                                           ***
   ):-
                             4 (
.5(
          .106
                                      235/9
                                                       324/6
                               )
                                              3783
                                                             :(
     .(20709)
                  223/7
                                                   (14633)
                                                                138/8
                                                     (5003)
                                                               242/7
                                (1112)
                                          446/3
                        10/4 (3725)
                       148/5
            (1307)
                                                          .531
                                                                 3
                                                     .52
                                                     .52
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)
                                           2.
                .381/2
                                                    1
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98 .**246-245**





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<sup>1</sup>.(
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                                                                                1
                      (20709
                                    223/7)
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.72
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                                   .20708
                                                 223/7
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.293 37 ¹ .105

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.248				.89		.57	3 4 5

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	.62		-	1	
	.108			2	
			85	3	

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n .

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.294 37 ¹
.186 467/1 ²

.(279 :) ³ .(278 :) ⁴

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<sup>2</sup>(
                                                                          ):
                      3.
                               4 ."
                                                                                      - 1
                                                                                          1
                14360
                            72/8
    565/7
                                                                                   .22541
                                                                                          2
                .14362
                            73/8
                                                                                          3
                                       .6357
                                                 144 -143/4
                                                                       .57
```



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-2

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-3

-4 .

-5 .

-6

[275 :]

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[275 :].

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1. - - -2

2.

-3

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-

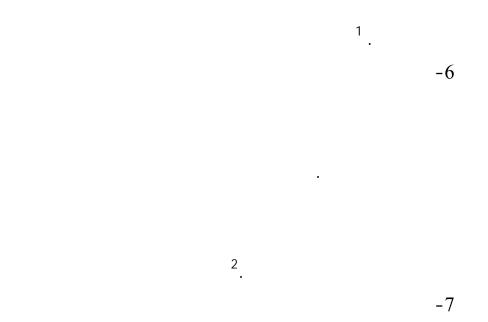
².
-4

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-5

. 87



3. -8

. -9

4

. 109 1 .87 2 .229 3 .183 4 1.

.340/3 ¹
.262/20 669/2 ²

```
2.
              ):
                         <sup>3</sup>.(
     4.
                                                                   1.
                                            143/2
                                                              45/6
               259/20
                                                                   196/4
                                                     .542/4
                                                              45/6
                                        31/21
                                                                              2
                .14/2
                                                                              3
28/6
                                                    .12/2
                                                                              4
                                   .7677
```

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14355	71 /8							1
				.1338 .1365	467	28/6 256/20		
14359	72/8	• • • • • • • • • • • • • • • • • • •		.1303	407			2
.14354		.258/20				28/6		3
72/								4

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		:	_
3.			
			_
		4.	
			_
		5.	
	.13 -12/2	144/2	1
.235		.259 /20	3

.13/2

.13/2

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1.
         <sup>2</sup>.(
                                             ) 灩
3.
                    5.
                                                              6.
                     134
                                            542/4
                                                                 143/2
                                                  .262 /20
                                                                              14/2
                           54/2
                                                                 28/6
                                              193
                                                       46/3
130/4
                                                     130/4
                                   .13/2
                                                 .408/5
                                                           .6625
                                                                                  5
                                                                  .13/2
                                                                                  6
```

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	3.	:			٠	:	:	
				:	:	:	4 :	
								-
	5.							-
6								
	226					.259/20		2
	.236		•					3
14300	.30111	261/20						
14362	72 /8	201/20						4
-	.30113	261/20						
						.14/2		5
						542/4		6
							.237	

```
" <sup>1</sup>:
```

.1233

```
129/12 (
15248:
                                                   )
                                      ) (
                                       :(
                                                     )
                                                 495/3 (
                                         3503
                )
                       (
                             )
                                                1232 :
                                                          514/2 (
```

)

(

.20757

)

231/7

334/7

2187

194/3

4627

3097

(

1292

30/3 (

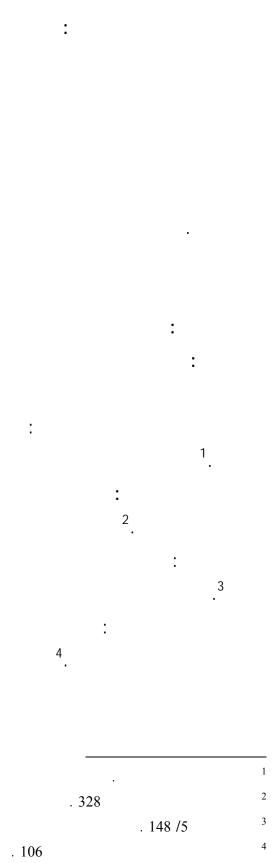
132/5

```
2.
                                                               448/6
228/6 (
                                 ) (
                           :(
3504
                                                                6671:
                                    495/3 (
     )
          (
                )
(
    )
                                    1234 :
                                             515/2 (
                                         4325 :
                   )
                                                    (
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                                                   31/3 (
                                          .2188
                                                   .811/5
                                                                        2
```

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1.
                            2.
            " : !
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          .98
                            . 11
                                                           2
                 ).
                                                       .(
```

: : : 1_.

231/7 :



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2.
                          3."
  .1527:
             19/6 (
                                                             2137:
                                                                       145/2
                                                                           2
             2132
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.450/6

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132/4

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.(73/5) (412/3) .(44/4) (8/13) : ⁽¹⁾
.(328/9) (294/4) (536/3) (341/5)

.(15/9) (232/11) (48/4)

(139 -136/8) (121 119/6) : ⁽²⁾
.(179/20) (143/8) (343/5) (486/4)

.(179720) (14378) (34373) (48674) :(50)

234/4 31/2 154/2 158/5 ⁴

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.232/9

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       .(179/20)
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.(328/9)

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1. 2. -1 -2

131/2

.5/4

72/3

.468-467/8 183/5

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.136/3 21/2 47/3 1 .183/5 2 . 153/3 21/2 130/2 3 .183/5 4

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568/6
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.106/6

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.227/1

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المبحث الأول مقتضى عقد البيع بالتقسيط وما يترتب عليه

341/3

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المطلب الثاني

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•		364/4	128/2	308/5	107
					.107

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2.
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                                         313/3
                                                           272/2
                                                                      .576/2
                                                                           2
                                                367/4
                                                            329/5
                              .128/2
                                                  274/2
.576/2
                                                                           3
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.367/4

4

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.363/4

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                1265 544/2
               141 /3 :
          .2405
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 173/8 :
1412 245/5
                                       .14767
                     57/4
      .54/3
  1069 368/2
  364/7
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                141/3 :
                                       4706
                  15258 290/8
      :
                      3049 3048
                         .2596
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                          .591/4
```

.603/4

```
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  3.
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                          198/2
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208/2
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                 296/2
```

¹ .():			
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.13/6 603/4

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                              .123/1
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               2."
                        124/1
                                              .316
```

الربا والمعاملات المصرفية د. عمر بن عبد العزيز المترك ص 2

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1.
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        <sup>2</sup>.(
                 3.
207 الربا والمعاملات المصرفية
                                                               عمر بن عبد العزيز المترك ص396.
                             .318
```

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2.
                     .396
                 .321
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```

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1.
                             2.
                                               ):
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                                                                       4.
                                                        .297
.132
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.77/5

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1992/5/14-9
                     1412/11/12-7
                                      -1
                                      -2
```

التأخر في سداد الأقساط

المطلب الأول

صيانة المديونيات من المماطلة

قدم الفقهاء المعاصرون عدة وسائل لصيانة حق الدائن من مماطلة المدين، وكان من أبرز هذه الوسائل وسيلتان:

الأولى: اشتراط أخذ الدائن تعويضاً عن ضرر المماطلة، وهو ما يعرف بالشرط الجزائي.

والثانية: اشتراط حلول بقية الأقساط إذا قصر المدين في أداء بعضها.

الوسيلة الأولى: الشرط الجزائي في الديون 1

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46 :

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855/2

.856/2

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255

.856/2



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    245/2
            .1564
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       (49/3 5
                                                           .2427
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            1761-1760/4)
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  656/6
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      .865/2
```

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                             1."
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.72/6
                                               .279/28
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.865/2 1 .289-288 . 2 .287 . 3 .868/2 4

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			.361		

.872-871/2

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1.
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.296

.868/2

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.361 . 1 .95 . 2 .61 2

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-92 6/2/53 1 .93

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.876-875/2
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.876/2

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            575/2
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                         69/6
                .357/5
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                         .96/3
                                                                    .374/3
```

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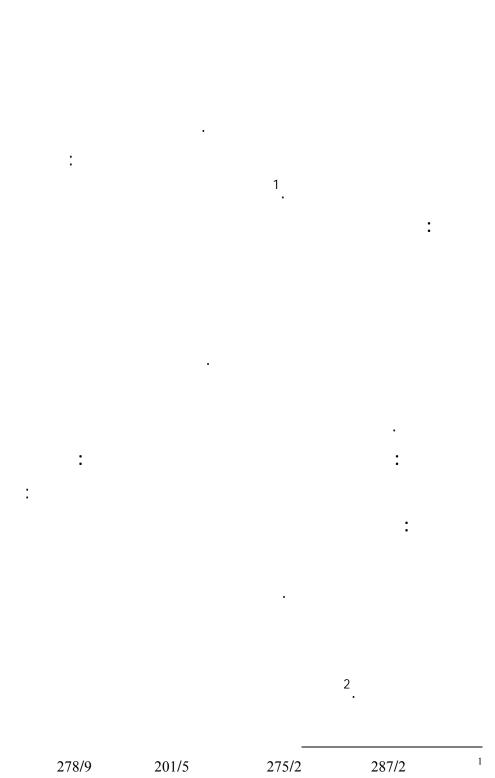
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                                  426/3
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                                                                               147/4
       453/4
                                                                                    .636/8
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2402
              246/2
             .1559
                         66/6
                                                                                                     3
                                 92
                                          230/4
                                                             136/8
```



129/4

2

453/4

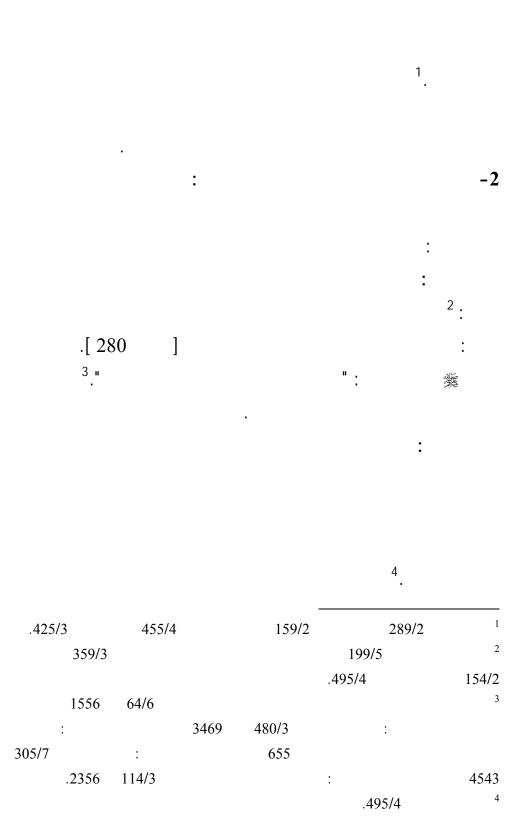
.882/2



453/4	129/4	158/2	1	
		.322	2	
	202/10	454/4	3	

```
1.
                                                               2
                                     3.
.285/5
                   288/2
                                         587/2
                                                                      2
                              .248/10
                                                       161/2
                                                                      3
                                 161/2
                                                    475/4
            .248/10
                                 : /
507/3
                                 3522
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         109
                30/3
                                    2359
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                                    .15159
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```

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1."
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.160/2
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.173/8 ¹ .280 ²



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                     228/10
                             137/4
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                      95
                            231/4
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                                                    48/6
         )
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                                              268/8
                                                                :" ( 44/3
                                               (172
                                                       163-162)
        )
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.466/4

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			.126	1
	.459/4	240/3	151/2 .308	3
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.321/4

313/6 .321/4

2 :

³." : .[280

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6.

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.320/4 313/6 ¹
.313/6 335/6 ²
.327 ³
.320/4 313/6 ⁴
2306 209/2 : ⁵

.1601 115/6 : .335/6 المبحث الأول: انتهاء الأجل في البيع بالتقسيط.

المبحث الثاني: التطبيقات المعاصرة لبيع التقسيط.

```
1."
                                               2."
                                         3.
                                          .230/1
```

.301/1

227/3

302/3 .177/4 2

226/3 260/2 24/4 145/6 .43/2 345/4

2

.214

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.[ 12 :
1.
                                       2.
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452/3	266/3	213/5	230/1	1
<i>⊤J∆I J</i>	20013	21313	.438/3	
147/2	266/3	231 -230/1	287 -284/4	2
			.438/3	
			.213/5	3
			.266/3	4

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                       .[ 12 :
                                      2.
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1079 -1078
                 375/2
              2413
                        145/3
    26/2
                         3050
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     .76/6
                                                      286/2
                                                                             2
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           .589/2
                                                      .319/3
```

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3."
                                                                                                         صَلِيْكُ
عَلَيْكِمْ الله
                                                                                       .266/3
                                          320/3
                                                                                                          482/4
                                                                               438/3
                                                205/2
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                                                                     .1619
                                                                                     135/6
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                                                                                                                            3
```

1. 2. 3." 4 5. 1 .438/3 357 147/2 .129 -128/4 2 3 69/3 .147/2

353 /3

265/3

.46/2

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1

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.201/10

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201-200/10		350/3	r			5
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266-265/3 353/3 .481/4 147/2 .482/4 286/2 ²

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201/10 147/2 131/5 ¹
.286/2 266/3 481/4
.201/10 482-481/4 ²

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220/5
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                                           178/2
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.220/5

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1141

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1141

263

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55/2

.88/3

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             .111
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.140

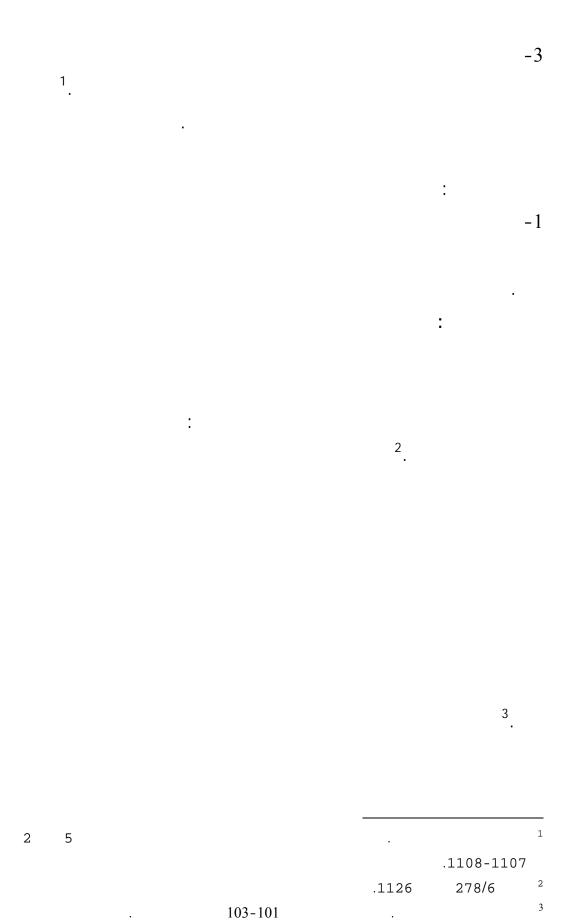
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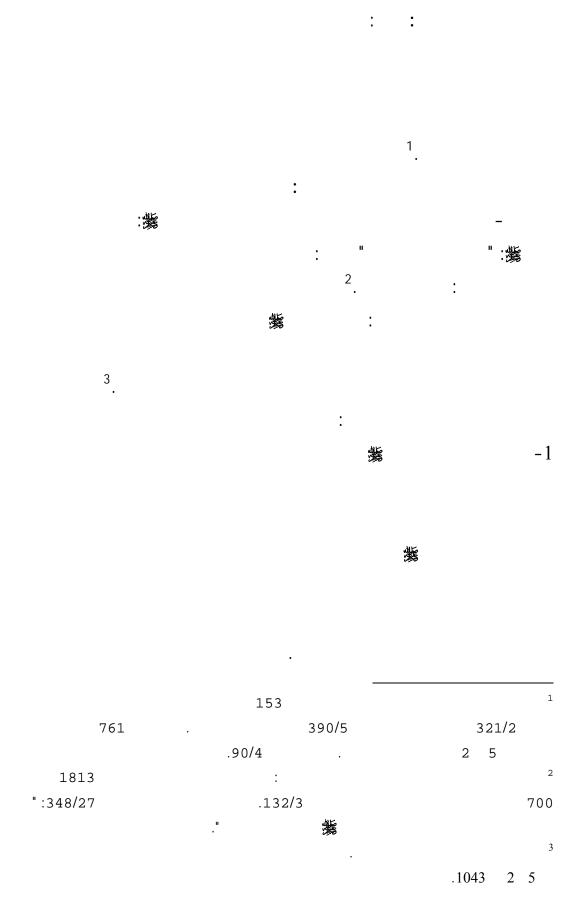
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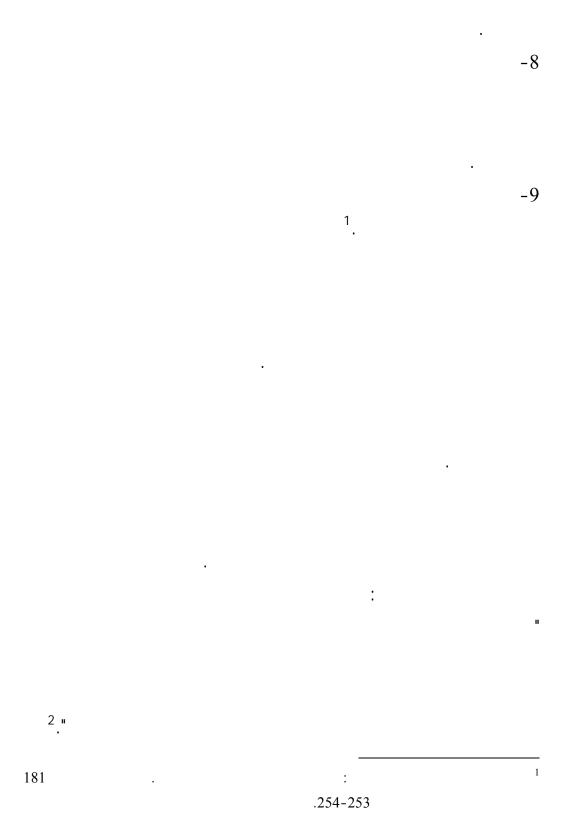
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